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pro hac vice forthcoming)*

Attorneys for Plaintiff NetChoice, LLC

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

NETCHOICE, LLC,

Plaintiff,

v.

**SEAN D. REYES, in his official
capacity as Attorney General of Utah,**

**KATHERINE HASS, in her official
capacity as Director of the Division of
Consumer Protection of the Utah
Department of Commerce,**

Defendants.

**DECLARATION OF ANTIGONE
DAVIS IN SUPPORT OF
NETCHOICE'S MOTION FOR A
PRELIMINARY INJUNCTION**

Case No. _____

I, Antigone Davis, declare as follows based on personal knowledge:

1. I am the Vice President, Global Head of Safety, at Meta Platforms, Inc. (“Meta”), and have been employed in that position since October 2014. I am over the age of 18 years and maintain an office at 575 7th Street NW, Suite 700, in Washington, DC. I make this Declaration in support of Plaintiff’s Motion for a Preliminary Injunction in the above-captioned matter. I have personal knowledge of the matters set forth in this Declaration as well as knowledge based on a review of company records kept in the ordinary course of business, and if called as a witness, I could and would testify under oath as follows.

2. I have dedicated the better part of my adult life to protecting the safety and well-being of young people. In my role at Meta, I lead the global team responsible for ensuring that Meta remains a leader in online safety, and my work covers safety across all of Meta’s platforms and surfaces, including both Facebook and Instagram. As part of my role, I coordinate the efforts of Meta’s Safety Advisory Council,¹ a team of leading safety organizations from around the world who provide Meta with cutting-edge research and advice on best practices, particularly relating to young people and other vulnerable groups. I also lead our work with our Youth Advisors, our advisory group on suicide prevention, and a global safety network of more than 850 organizations around the world.

3. I also serve on the board of the Technology Coalition, an organization dedicated to fighting child sexual exploitation. I previously served on the boards of the National Center for Missing and Exploited Children (“NCMEC”), the National Cybersecurity Alliance, the Family

¹ Meta, *Learn More About the Meta Safety Advisory Council*, <https://en-gb.facebook.com/help/222332597793306>.

Online Safety Institute, the National Network to End Domestic Violence, the National Center for the Victims of Crime, and the International Advisory Board for WePROTECT, a global alliance working to protect children from sexual exploitation and abuse online. Before working at Meta, I worked for the Office of the Maryland Attorney General helping to establish the office's first online privacy and safety unit.

4. In my role at Meta, I am familiar with Meta's content policies and practices, including Facebook's Terms of Service and Community Standards and Instagram's Terms of Use and Community Guidelines.

Background

5. Meta (f/k/a Facebook, Inc.) was founded in 2004. Meta's services enable more than three billion people around the world to share ideas, offer support, and discuss important issues, including politics, public health, and social issues. Users of Meta's services share over a billion stories and reels combined and over 100 billion messages, every day.

6. Meta's mission is giving people the power to build community and bring the world closer together.²

7. On Facebook, individuals can sign up for an account and establish mutual connections with family and friends, sharing stories, photos, videos, captions, status updates, and links (among other types of content). People can also follow pages managed by businesses, organizations, and public figures (such as politicians or celebrities) that share content, as well as join groups or attend events that relate to topics of interest to them.

² Meta, *Company Information*, <https://about.meta.com/company-info/>.

8. On Instagram, individuals can likewise sign up for an account and establish mutual connections with family and friends, sharing stories, photos, videos, captions, messages, and links (among other types of content). People can also follow and send messages to Instagram accounts managed by businesses, organizations, and public figures (such as politicians or celebrities) that share content.

9. To create, post, and view content on Facebook and Instagram, users make use of certain features on each service. For example, Facebook users might “post” content; use the “Like Button” to endorse or acknowledge another user’s content, and “comment” to express a view on another user’s post. Similarly, Instagram users might use “Reels” to create entertaining or educational videos that they can share with their friends or others on Instagram; might share “Stories” that could include photographs or videos from their everyday life that last for 24 hours; and might similarly “like” or “comment” on other users’ “Reels” and “Stories.” In other words, Facebook’s and Instagram’s features allow users to express themselves and to connect with others.³

10. Facebook displays content in Feed, a feature it launched in 2006. Feed shows a constantly updated and personalized list of stories—for example, status updates from friends, photos and videos from family gatherings, articles from local or national news outlets, and much more.

11. Instagram similarly displays content in Instagram Feed, a feature it launched in 2010. Instagram Feed shows a constantly updated and curated list of photos and videos—for example, posts from friends, family, businesses, and news groups, and much more.

12. To help users find content on Facebook and Instagram, Meta suggests certain

³ Meta, *Instagram Features*, <https://about.instagram.com/features>.

content in users' Feeds.⁴ These Feeds employ prediction models that use many input signals, such as who created a post, how a user previously interacted with posts from the same user or category, and the number of people mentioned in a post's comments, among others, to help select content users are most likely to engage with. The models and their input signals are dynamic and change frequently over time. Facebook and Instagram also offer built-in features that allow users to control or customize what they see, including the option to see content sorted in reverse chronological order.⁵

Teens and Adults Can Use Facebook and Instagram for Social, Informational, Educational, Political, and Other Purposes

13. All users—from teens to adults—can use Facebook and Instagram for a variety of purposes, including to: make social connections; showcase creative talents; gather information about the world around them; learn and receive education; and participate in the democratic process.

14. ***Make Social Connections.*** Users can use Facebook and Instagram to make and foster social connections. Facebook's features—such as Feed, Stories, Groups and Pages—help people connect with friends, family, and communities of people who share their interests.⁶ For example, a high-school user might make a friend at school and connect with them on Facebook to

⁴ Meta, *Learn about and manage suggested content in your Facebook Feed*, <https://www.facebook.com/help/485502912850153>; Meta, *How Instagram determines which posts appear as suggested posts*, <https://help.instagram.com/381638392275939>.

⁵ Meta, *Facebook Feed AI System*, <https://transparency.fb.com/features/explaining-ranking/fb-feed/?referrer=1>; Meta, *Instagram Feed AI System*, <https://transparency.fb.com/features/explaining-ranking/ig-feed/?referrer=1>.

⁶ Meta, *About Facebook*, <https://about.meta.com/technologies/facebook-app/>.

stay in touch over the summer; engage with one-another's photos and videos during travels apart; and chat with mutual friends in the comments. Similarly, the Facebook Groups feature facilitates social connections among people who have similar interests—from stargazing to baking to parenting—and allows them to learn from and share with each other, and develop a network of like-minded individuals they may never have met otherwise.

15. Instagram also provides users with opportunities to catch up with friends and explore shared interests.⁷ For instance, users can compose short posts (called Notes), which appear at the top of their followers' or close friends' inboxes. Users have said the Notes feature provides them with a casual and spontaneous way to express themselves, start conversations, and ask followers for recommendations. Instagram users can also share photos, videos, and messages with their friends.

16. ***Showcase Creative Talents.*** Facebook and Instagram also provide outlets for creative expression. Users can share their artwork, photography, and poetry with their friends through the Feed and Stories features on both Facebook and Instagram. Further, artists looking to grow their business can create business pages on Facebook and Instagram, allowing them to expand their reach, share their art with wider audiences, and connect with potential customers.⁸ An Independent Artist Program allows undistributed musicians to easily distribute their music on

⁷ Meta, *Introducing New Ways to Connect on Instagram* (Dec. 13, 2022), available at <https://about.instagram.com/blog/announcements/updates-to-instagram-messenger-and-stories>.

⁸ Meta, *Meta Business Suite*, <https://www.facebook.com/business/tools/meta-business-suite>.

Facebook and Instagram, providing aspiring musicians with an opportunity to not only share their creative talents, but also to earn money and gain insights into who is listening to their content.⁹

17. ***Gather Information About the World.*** Charities, businesses, sports teams, restaurants, retail businesses, and more have pages or profiles on Facebook and Instagram. Users, including parents, can access these profiles to learn more about the world around them—for example, to identify opportunities with youth organizations in their area—like the Boy and Girl Scouts of America, YMCA, and 4-H, all of which have pages on Facebook and Instagram. They can access pages to get more information about their favorite sports teams—such as to learn when the next Utah Jazz Basketball game is scheduled or to see highlights from the Utah State Track team’s latest meet. Users, depending on their age and interests, might seek out Facebook or Instagram pages to learn about events at their local community center; ways to get involved with their local church or place of worship; opportunities to adopt pets from local animal shelters; hear about vendors that will be at their local farmers’ market; or discover weekly specials at their favorite restaurants.

18. Facebook and Instagram also allow both individual users and nonprofits to tap into their networks and fundraise for causes they care about. Through Facebook and Instagram, users have raised more than \$7 billion for important causes, ranging from funding medical research to donating school supplies to children in need.¹⁰

19. A wide range of global, national, and local news sources provide up-to-date

⁹ Meta, *Meta Independent Artist Program*, <https://www.facebook.com/formedia/independent-artist-program>.

¹⁰ Meta, *We Can Do More Together*, <https://about.meta.com/giving-together/>.

reporting through their Facebook and Instagram pages. Following these pages equips users with a greater understanding of both the world around them and their local communities. For instance, the Federal Emergency Management Agency (FEMA) has a Facebook page, which provides the latest information about disasters around the nation and has instructions on how affected individuals can apply for disaster aid. On the local level users can turn to community news organizations' pages on Facebook or Instagram to learn about the latest developments in local politics, or their municipality's pages to keep abreast of public service disruptions, emergency notifications, and community events.

20. ***Educational Opportunities on Facebook and Instagram.*** Facebook and Instagram provide users with access to educational opportunities. Through the Groups feature on Facebook, users can learn from and work with others to understand the world around them. For instance, users can learn about subjects ranging from math and phonics to astrophysics and philosophy. On Instagram, users can view reels with tutorials containing practical advice on everyday tasks, from fixing a sprinkler head to designing PowerPoint presentations. Aspiring college students can follow Facebook and Instagram pages for colleges and universities around the globe to learn about the application process, different courses of study, and student life. For some people, such as students who live in regions without postsecondary institutions, or for those who will be the first in their family to attend college, this material might not be easily available to them otherwise.

21. ***Participate in the Democratic Process.*** Many elected officials, candidates, and staff have accounts on Facebook and Instagram that they use to disseminate speech on political issues, as do political and issue-advocacy organizations. In many instances, users can interact with these accounts by following them, viewing the speech and content they share, and responding with

speech and content of their own. Facebook and Instagram also offer a number of resources to help users keep themselves informed about the democratic process. Ahead of the 2020 general election, Facebook provided voter registration information to United States users, conducted multiple voter registration drives on Facebook and Instagram, and launched a Voting Information Center-which provides users with information about voting, registration, and becoming a poll worker that is provided in collaboration with state election officials and nonpartisan organizations.¹¹ Ahead of the 2022 midterm elections, Facebook and Instagram placed the Voting Information Center at the top of users' feeds, and state and local election officials used Voting Alerts to send users more than 80 million election-related notifications.¹²

22. Meta has long recognized the importance of their users having a voice and allowing debate on topics about which people may disagree. But Meta takes action to block groups that disseminate content that harasses or threatens violence. For example, Meta has banned more than a thousand militarized social movements and over 270 white supremacist organizations from its services.¹³ In the aftermath of Myanmar's military coup in February 2021, Meta banned Myanmar military and military-controlled state and media entities from Facebook and Instagram, but also protected content, including political speech, that allowed "the people of Myanmar to express

¹¹ Meta, *Voting Information Center* (June 16, 2020), *available at* <https://about.fb.com/news/2020/06/voting-information-center/>.

¹² Meta, *How Meta is Planning for the 2022 U.S. Midterms* (Aug. 16, 2022), *available at* <https://about.fb.com/news/2022/08/meta-plans-for-2022-us-midterms/>.

¹³ Meta, *An Update to How We Address Movements and Organizations Tied to Violence* (Oct. 17, 2022), *available at* <https://about.fb.com/news/2020/08/addressing-movements-and-organizations-tied-to-violence/>.

themselves and to show the world what is transpiring inside their country.”¹⁴

Users’ Experiences on Facebook and Instagram Services

23. A survey and interviews conducted by Harvard University in 2015 and 2016 found that teens viewed social media “predominantly” positively, though they reported both positive and negative impacts on their relationships and self-expression.¹⁵ A study on the rates of Facebook adoption in 72 countries found that overall, “Facebook adoption positively predicted well-being,” an association that held “when comparing countries to each other” and to themselves over time.¹⁶

24. Surveys have found that social media can promote connectedness, reduce social isolation, and help users find support. A recent Gallup survey found that 42% of persons aged 15 or older in the United States said they needed support or help from others in the past 30 days, and nearly one-third of those persons used Meta’s services to get that support.¹⁷ A survey by the Pew Research center found that the large majority of teens (81%) agree that social media helps them connect, while some also pointed to its negative impacts, like 43% said they felt pressure to post things that make them “look good.”¹⁸ Pew surveys have also found that “[m]ajorities of teens

¹⁴ Meta, *Myanmar Military Banned from Facebook and Instagram with Immediate Effect* (Feb. 24, 2021), <https://about.fb.com/news/2021/02/an-update-on-myanmar/>.

¹⁵ Meta, *What Our Research Really Says about Teen Well-Being and Instagram* (Sept. 26, 2021), available at <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>.

¹⁶ Matt Vuorre & Andrew K. Przybylski, *Estimating the Association Between Facebook Adoption and Well-being in 72 countries*, PsyArXiv (Sept. 16, 2022), available at <https://psyarxiv.com/r794k/>.

¹⁷ Meta & Gallup, *The State of Social Connections* (2022), available at <https://tinyurl.com/y4dkahba>.

¹⁸ Pew Research Center, *Teens’ Social Media Habits and Experiences* at 1 (Nov. 28, 2018), available at <https://www.pewresearch.org/internet/2018/11/28/teens-social-media-habits-and-experiences> [hereinafter “Pew Research”].

believe social media helps people their age diversify their networks,” and that 69% of teens say that social media helps them “interact with people from different backgrounds.”¹⁹ A recent study on the use of social media during the COVID-19 pandemic found that social media helped adolescents connect with family and peers, provided them with sources of comedic relief, and enabled participation in “social activism and community efforts consistent with their values” during this period of relative isolation.²⁰

25. Studies have also found that online-only friendships can be a source of social support for youth who may be marginalized in their offline social environments. A study in the *Journal of Clinical Child and Adolescent Psychology* found that “youth who are at-risk for suicide, such as those who are LGBTQ . . . or have medical conditions, can gain support from online-only friendships who are going through similar experiences.”²¹ A study in the *Journal of Child Abuse and Neglect* found that LGBTQ youth rate their online-only friendships as more supportive than in-person relationships and suggested that online spaces can provide “safe haven[s]” for them.²²

26. For individuals with mental health issues, surveys have found that social media services can be a valuable source of information and support. A 2018 national survey found that

¹⁹ *Id.* at 9.

²⁰ Sarah E. Rimel et al., *Technology Use During the COVID-19 Pandemic and the Ways in Which Technology Can Support Adolescent Well-being: Qualitative Exploratory Study*, *JMIR Formative Research* (2023), available at <https://formative.jmir.org/2023/1/e41694>.

²¹ Maya Massing-Schaffer et al., *Adolescent Peer Experiences and Prospective Suicidal Ideation: The Protective Role of Online-Only Friendships*, *J. of Clinical Child and Adolescent Psych* 9 (2022), available at <https://pubmed.ncbi.nlm.nih.gov/32324048/>.

²² Michelle Ybarra et al., *Online Social Support as a Buffer Against Online and Offline Peer and Sexual Victimization Among U.S. LGBT and Non-LGBT Youth*, 39 *Child Abuse & Neglect* 123–36 (2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6483382/>.

“many young people say social media helps them find connection, support, and inspiration during times of depression, stress, or anxiety”—and among those with symptoms of depression, 30% said that social media is “very” important to them for feeling less alone.²³ A 2019 literature review found that “there is an association between high levels of psychological distress and engaging in help-seeking online”—and that “many young people were going online to look for a space where they could share their feelings without fear of judgment or labelling.”²⁴ The authors added: “The nonstigmatizing nature of internet help-seeking makes it an attractive option for marginalized groups” such as “members of the LGBT+ community who may be fearful of disclosing personal concerns to their informal networks.”²⁵

27. Studies have also observed that using social media to learn about public affairs and one’s community can promote civic engagement. A study in the *Journal of Computer-Mediated Communication* concluded that seeking information via social media services like Facebook “is a positive and significant predictor of people’s social capital and civic and political participatory behaviors, online and offline.”²⁶ And a Pew Research survey found that roughly two-thirds of teens say that social media exposes them to different points of view and that majorities of teens

²³ Victoria Rideout & Susannah Fox, *Digital Health Practices, Social Media Use, and Mental Well-Being Among Teens and Young Adults in the U.S.*, Articles, Abstracts, and Reports 1093 (2018), available at <https://digitalcommons.psjhealth.org/publications/1093/>.

²⁴ Claudette Pretorius et al, *Young People’s Online Help-Seeking and Mental Health Difficulties: Systematic Narrative Review*, 21 J. of Med. Internet Rsch. At 10–11 (2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6891826/>.

²⁵ *Id.* at 12.

²⁶ Homero Gil de Zúñiga et al., *Social Media Use for News and Individuals’ Social Capital, Civic Engagement and Political Participation*, 17 J. of Comput.-Mediated Comm’n 319 (2012), available at <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1083-6101.2012.01574.x>.

believe social media can help them “broaden their viewpoints and get involved with issues they care about.”²⁷

Meta’s Efforts to Promote Safety on Facebook and Instagram

28. Meta has invested substantial resources to promote a safe experience for its community. This work is core to Meta’s mission of designing and building services that bring people together. Meta wants its services to be a place for meaningful interactions with friends and family, and cannot achieve that goal if people do not feel safe.

29. ***Minimum Age Policy.*** Pursuant to Facebook’s Terms of Service and Instagram’s Terms of Use, if a child in the United States is under the age of 13, they are not allowed to create an account on Facebook or Instagram and should not be using the services. When Meta learns an underage user has created a Facebook or Instagram account, Meta removes the account from the service. In addition to asking for people’s date of birth when they create an account and allowing anyone to report a suspected underage account, Meta trains its content reviewers to flag for further investigation reported accounts that appear to be used by people who are underage, and removes those accounts unless the user is able to prove that they meet the minimum age requirements.²⁸

30. ***Parental Supervision.*** Parents and guardians can use supervision tools on Facebook and Instagram that empower parents and teens to work together to set time limits and schedule breaks; allow parents to see who their teen follows and who follows their teen; enable

²⁷ Pew Research, *supra*, at 9.

²⁸ Meta, *How Do We Know Someone Is Old Enough to Use Our Apps?* (July 27, 2021), available at <https://about.fb.com/news/2021/07/age-verification/>.

parents to view their teen's account privacy settings, sensitive content settings, and messaging settings; and empower teens to notify their parents when they block or report someone.²⁹

31. *Safety Features for Young Users.* Meta helps prevent young people from interacting with adults they don't know. Meta has developed technology that allows it to estimate people's ages to determine, for example, whether someone is younger or older than 18. Meta uses this technology to restrict people over 19 years old from sending private messages to teens who do not follow them on Instagram.³⁰ Meta also uses its predictive age technology on Instagram to prevent adults that have shown potentially suspicious behavior from interacting with or seeing posts from young people's accounts. Similarly, Meta does not show suspicious adults to teens (or vice versa) on the Facebook app in People You May Know recommendations, nor does it show such adults to teens (or vice versa) on the Instagram app in Accounts You May Follow recommendations. And Meta restricts people over 19 years old from sending private messages to unconnected teens.

32. Instagram notifies teens via prompts and safety notices to be cautious in conversations with adults to whom they are already connected. When an adult who has been exhibiting potentially suspicious behavior is interacting with a young person in Direct Messages, Instagram will warn the young person about interacting with someone they do not know. For

²⁹ Meta, *Giving Teens and Parents More Ways to Manage Their Time on Our Apps* (June 27, 2023), available at <https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/>; Meta, *Parental Supervision*, <https://help.instagram.com/309877544512275>; Meta, *Safety Resources for Parents*, <https://www.facebook.com/help/1079477105456277>.

³⁰ Meta, *Continuing to Make Instagram Safer for the Youngest Members of Our Community* (Mar. 17, 2021), available at <https://about.instagram.com/blog/announcements/continuing-to-make-instagram-safer-for-the-youngest-members-of-our-community>.

example, if an adult is sending a large amount of friend or message requests to people under 18, Instagram will use this tool to alert the recipients within their Direct Messages and give them an option to end the conversation, or block, report, or restrict the adult.³¹

33. Instagram accounts are private by default for all new users under the age of 16. Private accounts let people control who sees or responds to their content.³² Similarly, Facebook defaults U.S. users under the age of 16 into more private settings when they create their accounts. Facebook also encourages existing teen users to choose more private settings—for instance, restricting who can see their friends list, who can see their tagged posts, and who is allowed to comment on their public posts.³³

34. In an effort to provide age-appropriate experiences for young people on Facebook and Instagram, Meta “age-gates” certain content. Under Meta’s policies on restricted and prohibited goods, branded content, and affiliate posts involving certain adult goods—such as alcohol, real-money gambling, and state lotteries—cannot be provided to minors’ accounts.³⁴

35. ***Content Moderation.*** Meta’s publicly available Facebook Terms of Service³⁵ (to which people must agree to create an account on the Facebook service) and Community

³¹ *Id.*

³² Meta, *Giving Young People a Safer, More Private Experience on Instagram*, available at <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.

³³ Meta, *Protecting Teens and Their Privacy on Facebook and Instagram* (July 27, 2021), available at <https://about.fb.com/news/2022/11/protecting-teens-and-their-privacy-on-facebook-and-instagram>.

³⁴ Meta, *Set a Minimum Age for Branded Content or Affiliate*, <https://www.facebook.com/business/help/246699553504225?id=603237934047137>.

³⁵ *Facebook Terms of Service*, <https://www.facebook.com/terms.php> [hereinafter Facebook Terms].

Standards³⁶ (which users agree not to violate) describe what content is acceptable on Facebook. Meta’s publicly available Instagram Terms of Use³⁷ (to which users must agree to create an account on the Instagram service) and Instagram Community Guidelines³⁸ (which users agree not to violate) describe what content is acceptable on Instagram.

36. The Facebook Terms of Service prohibit users from doing or sharing anything that is “unlawful, misleading, discriminatory or fraudulent” or that “infringes or violates someone else’s rights.”³⁹ The Facebook Community Standards provide details about what content is not allowed on Facebook. The Community Standards are organized into six categories: (i) violence and criminal behavior, (ii) safety, (iii) objectionable content, (iv) integrity and authenticity, (v) respecting intellectual property, and (vi) content-related requests and decisions. Within each of those six categories, the Community Standards identify additional subcategories, such as “violent and graphic content,” and “bullying and harassment.” Users can see Facebook’s policy rationale for prohibiting each category of content and examples. For example, the Community Standards explain that “bullying and harassment” is not tolerated on Facebook. Notwithstanding, Facebook recognizes that people sometimes share content that illustrates bullying or harassment to condemn it or raise awareness. Facebook’s policies are designed to allow room for these types of speech.

³⁶ *Facebook Community Standards*, <https://transparency.fb.com/policies/community-standards/> [hereinafter Facebook Community Standards].

³⁷ *Instagram Terms of Use*, <https://help.instagram.com/581066165581870> [hereinafter Instagram Terms].

³⁸ *Instagram Community Guidelines*, <https://help.instagram.com/477434105621119> [hereinafter Instagram Community Guidelines].

³⁹ Facebook Terms, *supra*.

The Community Standards also include information about when content may be accompanied by a sensitivity warning.⁴⁰

37. Similarly, the Instagram Terms of Use prohibit users from doing or sharing anything that is “unlawful, misleading, or fraudulent or for an illegal or unauthorized purpose” or that would “violate[] someone else’s rights,” and from “post[ing] someone else’s private or confidential information without permission.”⁴¹ The Instagram Community Guidelines provide detail about what content is not allowed on Instagram, including prohibiting “coordination of harm,” “nudity,” “hate speech,” and “bullying and harassment.”⁴²

38. Meta relies on both automated and human review to enforce its terms and policies at scale.⁴³ For many categories of content that violate Meta’s policies, such as violent and graphic content and suicide and self-injury content, Meta’s artificial intelligence systems find more than 90% of the content it removes before anyone reports it.⁴⁴ Meta has also built artificial intelligence technology to identify suicide-related content and rapidly respond with resources. For other categories of content—such as content that may reflect bullying or harassment—using technology to proactively detect those behaviors can be more challenging than other types of violations. Meta also relies on people to report that behavior so Meta can identify and remove it. Meta also works

⁴⁰ Facebook Community Standards, *supra* (categories as of June 29, 2023); Meta, *Facebook Community Standards for Bullying and Harassment*, <https://transparency.fb.com/policies/community-standards/bullying-harassment/>.

⁴¹ Instagram Terms, *supra*.

⁴² Instagram Community Guidelines, *supra*.

⁴³ Meta, *Detecting Violations*, <https://transparency.fb.com/enforcement/detecting-violations/>.

⁴⁴ Meta, *Community Standards Enforcement Report* (August 2023), <https://transparency.fb.com/data/community-standards-enforcement/>.

with first responders to conduct wellness checks based on reports it receives via proactive detection efforts.

39. Thousands of people across the company work together to remove millions of pieces of content containing adult nudity, sexual activity, bullying and harassment, child nudity and sexual exploitation of children, and hate speech.

40. In Meta's Transparency Center,⁴⁵ Meta publicly shares information to help keep people safe and let people hold Meta accountable—including information about Meta's policies (which define what is and isn't allowed on Meta technologies); Meta's transparency reports (which give the community visibility into how Meta enforces its policies); and Meta's enforcement reports (which detail Meta's progress on taking action on content that violates its policies).

41. Meta has a robust system in place to restrict or remove content that violates its policies. For example, Meta restricts the ability of users under 18 to view graphic and violent imagery.⁴⁶ For other users, Meta will add warning labels to some graphic or violent imagery so that users are aware of its sensitive nature before they click through. Meta also removes content that goes against the Facebook Community Standards or Instagram Community Guidelines. For example, in Q2 2023, Meta took action on 6.4 million pieces of content on Facebook that violated

⁴⁵ Meta, *Transparency Center*, <https://transparency.fb.com/>; Meta, *Community Standards Enforcement Report* (August 2023), available at <https://transparency.fb.com/data/community-standards-enforcement/>.

⁴⁶ Meta, *Violent and Graphic Content*, <https://transparency.fb.com/policies/community-standards/violent-graphic-content/>.

its suicide and self-injury policies, and 99% of that content was removed before any user reported it.⁴⁷

42. When it removes content, Meta will notify the posting user. When Meta removes a user's content for violating Meta's policies, the user may incur a strike against their account.⁴⁸ For most violations, a first strike results in a warning. If Meta removes additional posts that violate the Facebook Community Standards or Instagram Community Guidelines, the user will incur additional strikes to their account and may lose access to some features for longer periods of time.⁴⁹ If a user continues to post content that goes against Meta's policies, despite repeated warnings and restrictions, Meta may disable or remove the user's account.⁵⁰

43. Meta also has tools that enable users to curate their experience on its services—for example, choosing a list of “Favorite” friends and pages to feature in Feed, blocking content from certain users, and reporting content they consider inappropriate. Facebook gives users the option to hide a single post or opt to see fewer posts from a specific person, page, or group.⁵¹ Instagram offers users a “not interested” button they can use to remove a post from their feed immediately,

⁴⁷ Meta, *Suicide and Self-Injury*, <https://transparency.fb.com/policies/community-standards/suicide-self-injury/>.

⁴⁸ Meta, *Counting Strikes*, <https://transparency.fb.com/enforcement/taking-action/counting-strikes/>.

⁴⁹ Meta, *Restricting Accounts*, <https://transparency.fb.com/enforcement/taking-action/restricting-accounts/>.

⁵⁰ Meta, *Disabling Accounts*, <https://transparency.fb.com/enforcement/taking-action/disabling-accounts/>.

⁵¹ Meta, *How Can I Control What I See in Feed on Facebook*, <https://www.facebook.com/help/1913802218945435>.

and Instagram will suggest fewer posts like it in the future.⁵² Meta has rolled out other features in response to feedback, such as the ability to turn off a counter displaying how many people have “liked” a post or photo.

44. ***Safety-Related Information, Resources, and Partnerships.*** Meta provides a Safety Center⁵³ that offers expert-backed safety resources, tools, and information for users of both Facebook and Instagram. These include resources and information related to suicide prevention,⁵⁴ maintaining mental health and well-being,⁵⁵ preventing bullying and harassment,⁵⁶ as well as resources and information of particular interest to parents,⁵⁷ educators,⁵⁸ journalists, activists, and public figures.⁵⁹ The Safety Center’s Parent Portal, Youth Portal, and Child Safety Hub are focused on fostering conversations around online safety, security, and well-being. The Safety Center has a dedicated crisis support resources page to help users quickly obtain expert support to address suicide prevention, eating disorders, domestic violence, and child protection.⁶⁰

⁵² Meta, *How to See More of What You Want on Instagram* (August 30, 2022), available at <https://about.instagram.com/blog/tips-and-tricks/control-your-instagram-feed>.

⁵³ Meta, *Safety Center*, <https://about.meta.com/actions/safety>.

⁵⁴ Meta, *Suicide Prevention*, <https://about.meta.com/actions/safety/topics/wellbeing/suicideprevention/> [hereinafter *Suicide Prevention*].

⁵⁵ Meta, *Mental Health & Well-Being*, <https://about.meta.com/actions/safety/topics/wellbeing/>.

⁵⁶ Meta, *Prevent Bullying and Harassment*, <https://about.meta.com/actions/safety/topics/bullying-harassment/>.

⁵⁷ Meta, *Child Safety*, <https://about.meta.com/actions/safety/audiences/childsafety/>.

⁵⁸ *Id.*

⁵⁹ Meta, *Journalists, Activists, and Public Figures*, <https://about.meta.com/actions/safety/audiences/journalists-activists-public-figures/>.

⁶⁰ Meta, *Crisis Support Resources*, <https://about.meta.com/actions/safety/crisis-support-resources/>.

45. Meta regularly publishes updates about its efforts to remove harmful content and protect user communities. For example, Meta has published articles on how it uses artificial intelligence on Facebook to help suicide prevention efforts,⁶¹ on Meta's efforts to protect people on Instagram from abuse by enabling automatic filtering of harmful comments and message requests,⁶² on Meta's partnership with the National Center for Missing and Exploited Children (NCMEC) in the development of Take It Down,⁶³ and on the dozens of tools Meta has developed to support teens and families on its apps—including parental controls, nudges for teens to set time limits on Facebook and Instagram and giving them the ability to set scheduled breaks, and tools that protect teens against unwanted interactions.⁶⁴

46. Meta collaborates with a number of partners and experts to inform its approach to safety, including the Boys and Girls Club of America, Childhelp, ConnectSafely, the Cyber Civil Rights Initiative, the International Bullying Prevention Association, PACER's National Bullying Prevention Center, the Yale Center for Emotional Intelligence, and the NCMEC.⁶⁵ For example,

⁶¹ Meta, *How Facebook AI Helps Suicide Prevention* (Sept. 10, 2018), available at <https://about.fb.com/news/2018/09/inside-feed-suicide-prevention-and-ai/>.

⁶² Meta, *Updates to How We Protect People on Instagram from Abuse* (Oct. 20, 2022), available at <https://about.fb.com/news/2022/10/protecting-people-on-instagram-from-abuse/>.

⁶³ Meta, *New Updates to Help Prevent the Spread of Young People's Intimate Images Online* (Feb. 27, 2023), available at <https://about.fb.com/news/2023/02/helping-prevent-the-spread-of-young-peoples-intimate-images-online/#:~:text=Built%20in%20a%20way%20that,that%20are%20secure%20digital%20fingerprints.>

⁶⁴ Meta, *How Meta Is Working to Provide Safe, Age-Appropriate Experiences for Teens* (Jan. 9, 2023), available at <https://about.fb.com/news/2023/01/providing-safe-experiences-for-teens/>; Meta, *Giving Teens and their Parents More Ways to Manage Their Time on Our Apps* (June 27, 2023), available at <https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/>.

⁶⁵ Meta, *Safety Partners*, <https://about.meta.com/actions/safety/safety-partners>.

Meta worked with ConnectSafely to publish a Parent's Guide⁶⁶ with the latest Instagram safety tools and privacy settings and a list of tips and conversation starters to help parents and guardians navigate discussions with their teens about their online presence. Meta also worked with the Digital Wellness Lab team on a Family Digital Wellness Guide to help families learn about media-related health issues. Facebook and Instagram are founding members of Take It Down, a new service designed to proactively prevent young people's inappropriate intimate images from spreading online. Meta partnered with the NCMEC in the development of Take It Down.

User Data

47. While Meta uses data it collects to decide which advertisements and other sponsored or commercial content to show each user, it also (as documented in its Privacy Policy) collects and makes use of user data in part to make Facebook and Instagram functional and to promote safety, security, and integrity on the services.⁶⁷

48. Information Meta collects on these services includes, for example, information that users provide during the sign up process, such as email addresses, phone numbers, language preference, and age; as well as information about users' activities on the services, such as posts, messages, and actions taken in Facebook and Instagram; the user's friends, followers, and other connections; and information from the app, browser, and device on which a user accesses Facebook or Instagram.

49. Meta collects this information to help make Facebook and Instagram functional.

⁶⁶ Meta, *Helping Your Teen Navigate Instagram Safely*, <https://about.instagram.com/community/parents>.

⁶⁷ Meta, *Privacy Policy*, <https://www.facebook.com/privacy/policy> [hereinafter Privacy Policy].

For example, Meta’s collection and use of this data allows users to create and maintain their own Facebook and Instagram accounts and friends lists; allows users to see new content (as opposed to content they have seen before) when they log in to the services; and enables users to interact and communicate with one-another.

50. Meta also collects and makes use of user data to provide safety and security features for all users, including young people. For example, Meta collects and uses phone numbers and computer and browser information so that users can protect their accounts with two-factor authentication.⁶⁸ Meta also collects and uses user information to verify accounts and activity; to find and address violations of the Facebook Terms of Service and the Instagram Terms of Use; to detect, prevent, and combat harmful or unlawful behavior, such as to review and, in some cases, remove content reported to Meta; and to investigate suspicious activity—for example, Meta might store and use information about a user’s typical location during sign-in to detect and prevent suspicious sign-in attempts.⁶⁹ Meta also uses user data and machine learning technology to identify possible suicide or self-injury content, and to help Meta’s Community Operations team prioritize and evaluate urgent posts, including contacting emergency services when users might be at risk of harm.⁷⁰

The Utah Social Media Regulation Act’s Impact on Facebook and Instagram

51. I understand that on or around March 23, 2023, the State of Utah enacted the Utah

⁶⁸ Meta, *Securing Your Instagram Account with Two-Factor Authentication*, <https://help.instagram.com/566810106808145>; Meta, *How Two-Factor Authentication Works on Facebook*, <https://www.facebook.com/help/2FAC/>.

⁶⁹ Privacy Policy, *supra*.

⁷⁰ Suicide Prevention, *supra*.

Social Media Regulation Act, §§ 13-63-101 to 701 (the “Act”). I understand that both Facebook and Instagram are “social media platforms” with users in Utah, as defined by the Act at §13-63-101(10)(a). I understand that the Act’s provisions will go into effect on March 1, 2024. I understand that, should the Act go into effect, Facebook and Instagram will be subject to it, as neither service appears to fall within any of the exceptions listed in the Act at §13-63-101(10)(b).

52. I understand that the Act’s restrictions only apply to certain in-scope services associated with only certain large companies. Teens move fluidly across online services and Facebook and Instagram are only one part of the online ecosystem. We can most effectively protect youth if the whole industry works together to achieve this goal. As a general matter, narrowing the responsibility of youth safety to only a few large websites can lead to a new marketplace for unmonitored services with no incentive to build new safeguards.

53. I understand that, pursuant to the Act, existing or prospective Utah account holders who do not wish to go through the Act’s mandated age-verification processes—or minors who are not able to prove express parental consent to use Facebook or Instagram—will not be permitted to access Facebook or Instagram.

54. I understand that many people do not always have access to the forms of identification that can make verifying age clear, and that other people may find age-verification processes cumbersome. I understand that lack of identification access disproportionately impacts underserved communities around the world, particularly young women. I also understand that some people may be uncomfortable sharing identification.

55. I understand that the Act’s restrictions could deter numerous would-be users of Facebook or Instagram from accessing the services. I understand that if the Act goes into effect,

such persons will not be able to use Facebook or Instagram to make social connections; showcase their creative talents; gather information about non-profit organizations, sports teams, and the world around them; engage with religious institutions, out-of-state universities, and educational materials; start or grow their businesses; receive voter registration information; participate in political discourse (including with other users or even directly with political candidates); or engage in any number of other potential uses of these services.

56. The Act may also require substantial and burdensome changes to the design and operation of the Facebook and Instagram services. I will describe some examples below.

57. In the United States, Meta does not charge users to use Facebook or Instagram, and instead Meta charges advertisers to show ads on the services. That helps make Facebook and Instagram available to everyone without charging people for access to it.⁷¹ However, I understand that the Act would impose a blanket ban on the display of ads to any Utah minor.

58. I understand that the Act may require Meta, for the Facebook and Instagram services, to design and build a new account registration process for new and existing Utah account holders who seek to access, or continue accessing, those services. I understand that creating this new account registration process on Facebook and Instagram may be necessary to comply with the Act's mandated age and parental consent verification procedures. I also understand that the Act may require Meta to design and build a system that enables the parents of a Utah minor to have full access to minor's account—including the ability to view all posts made by the minor, and all responses and messages sent to or by the minor—as well as the ability to access the minor's

⁷¹ Meta, *Does it cost money to use Facebook?*, <https://www.facebook.com/help/186556401394793>; Meta, *About Instagram*, <https://help.instagram.com/424737657584573>.

account during nighttime hours when the minor is simultaneously prohibited from accessing the account. I understand that Meta may need to dedicate a team of engineers to these efforts for multiple months.

59. I understand that the Act may require Meta to redesign its Facebook and Instagram services to eliminate the use of any targeted or suggested groups, services, products, posts, accounts, or users in a Utah minor's account. I understand that Meta may need to dedicate a team of engineers to these efforts for multiple months.

60. I understand that the Act may require Meta to redesign its Facebook and Instagram services to eliminate the collection or use of any personal information from a Utah minor's posts, content, messages, text or usage activities other than information necessary to comply with state or federal law. I understand this restriction may jeopardize the basic functioning of Facebook and Instagram, as well as core aspects of the services' safety, security, and integrity features. I also understand that Meta may need to dedicate a team of engineers to these efforts for at least multiple months if not longer.

61. In short, if the Act's restrictions go into effect, they will, among other things, prevent or reduce users' ability to access expression or express themselves on Facebook and Instagram, connect or engage with their family and friends there, and will reduce users' access to information about local businesses, non-profits, educational and religious institutions, sports teams, or events in their community.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

By: _____

DocuSigned by:
Antigone Davis
238F9400FGDB4B3...

Antigone Davis